

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 222 entitled “An act relating to reducing overdoses” respectfully reports
4 that it has considered the same and recommends that the Senate propose to the
5 House that the bill be amended as follows:

6 First: In Sec. 2, regional stakeholder meetings; public needle and syringe
7 disposal programs, in subsection (a), in the first sentence, by striking out
8 “Health’s Accountable Communities for”

9 Second: By striking out Sec. 3a, 33 V.S.A. § 2004, in its entirety and
10 inserting in lieu thereof the following:

11 Sec. 3a. [Deleted.]

12 Third: In Sec. 6b, 18 V.S.A. § 4752, in subsection (e), after “Department of
13 Vermont Health Access”, by inserting the phrase or the Department’s
14 pharmacy benefits manager

15 Fourth: By striking out Sec. 8b, rulemaking; prior authorization;
16 buprenorphine in its entirety and inserting in lieu thereof a new Sec. 8b to read
17 as follows:

18 Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENORPHINE

19 The Department of Vermont Health Access shall amend its rules pursuant to
20 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-
21 treatment programs to prescribe 24 milligrams or less of the preferred

1 medication for buprenorphine without prior authorization in accordance with
2 33 V.S.A. § 19011.

3 Fifth: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out
4 the word “tenants” and inserting in lieu thereof the word residents

5 Sixth: By inserting a new reader assistance heading and Secs. 11 and 12
6 after Sec. 10 to read as follows:

7 * * * Drug Checking for Contamination Detection * * *

8 Sec. 11. 18 V.S.A. § 4201 is amended to read:

9 § 4201. DEFINITIONS

10 As used in this chapter, ~~unless the context otherwise requires:~~

11 * * *

12 (45) “Drug-checking” means the testing of a substance to determine its
13 chemical composition or assist in determining whether the substance contains
14 contaminants, toxic substances, or hazardous compounds.

15 Sec. 12. 18 V.S.A. § 4240a is added to read:

16 § 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR
17 CONTAMINANT DETECTION

18 (a) Notwithstanding any other provision of law, it shall not be a violation of
19 this chapter to receive, possess, transport, or store samples of a substance that
20 may contain a regulated drug solely for purposes of analyzing the substance to

1 determine its chemical composition and disseminate information regarding the
2 analysis to the provider of the substance.

3 (b) On-site community drug-checking service providers shall be permitted
4 to:

5 (1) collect voluntarily provided residual samples of substances
6 potentially containing regulated drugs, possess, transport, or store samples of a
7 regulated drug solely for purposes of analyzing the substances to determine its
8 chemical composition as a lifesaving intervention;

9 (2) use any available technologies to analyze the contents of samples to
10 obtain timely, highly accurate information regarding the composition of drugs
11 to prevent overdose and mitigate health risks;

12 (3) provide results of analysis obtained from drug-checking technology
13 to the person requesting drug services;

14 (4) disseminate data containing only the results of analysis and
15 containing no personally identifiable information to community members at
16 risk of overdose; and

17 (5) if necessary, arrange for a sample of a drug or substance to be tested
18 by an approved laboratory.

19 (c) In operating any drug-checking service, no personally identifiable
20 information shall be collected from a person providing a controlled substance
21 to a service provider.

1 (d) An employee, contractor, volunteer, or other person acting in the good
2 faith provision of drug-checking services authorized by the Department, acting
3 in accordance with established protocols, shall not:

4 (1) be subject to arrest, charge, or prosecution for a violation pursuant to
5 this chapter, including for attempting to, aiding and abetting in, or conspiracy
6 to commit a violation of this chapter;

7 (2) have their property subject to forfeiture, any civil or administrative
8 penalty, or liability of any kind, including disciplinary action by a professional
9 licensing board, credentialing restrictions, contractual or civil liability, or
10 medical staff or other employment action; or

11 (3) be denied any right or privilege for actions, conduct, or omissions
12 relating to the operation of a drug-checking service in compliance with this
13 chapter and any rules adopted pursuant to this chapter.

14 (e) An individual possessing a regulated substance and who provides any
15 portion of the substance to a program pursuant to this section for purposes of
16 obtaining drug-checking services shall not be subject to arrest, charge, or
17 prosecution for possession of a regulated substance pursuant to this chapter or
18 civil or administrative penalty or disciplinary action by a professional licensing
19 board for a violation of this chapter.

1 Department from the national abatement account fund, the national opioid
2 abatement trust, the supplemental opioid abatement fund, or any other
3 settlement funds that must be utilized exclusively for opioid prevention,
4 intervention, treatment, recovery, and harm reduction services.

5 (2) The Department shall include a spending plan, informed by the
6 recommendations of the Opioid Settlement Advisory Committee established
7 pursuant to section 4772 of this subchapter, as part of its annual budget
8 submission, and once spending is approved from the Opioid Abatement
9 Special Fund, the Department shall request to have the funds formally released
10 from the national abatement account fund, the national opioid abatement trust,
11 the supplemental opioid abatement fund, or any other settlement funds that
12 must be utilized exclusively for opioid prevention, intervention, treatment,
13 recovery, and harm reduction services. The Department shall disburse monies
14 from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7,
15 subchapter 3.

16 * * *

17 Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

18 In fiscal year 2023, the following monies shall be appropriated from the
19 Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

20 (1) \$1,980,000.00 for the expansion of naloxone distribution efforts,
21 including establishing harm reduction vending machines, home delivery and

1 mail order options, and expanding the harm reduction pack and leave behind
2 kit programs;

3 (2)(A) \$2,000,000.00 divided equally between four opioid treatment
4 programs to cover costs associated with partnering with other health care
5 providers to expand satellite locations for the dosing of medications, including
6 costs associated with the satellite locations' physical facilities, staff time at the
7 satellite locations, and staff time at opioid treatment programs to prepare
8 medications and coordinate with satellite locations;

9 (B) the satellite locations established pursuant to this subdivision (2)
10 shall be located in Addison County, eastern Vermont between the Northeast
11 Kingdom and Brattleboro, Chittenden County, and a facility operated by the
12 Department of Corrections;

13 (3) \$1,976,000.00 to fund 26 outreach or case management staff
14 positions within the preferred provider network and within syringe service
15 organizations for the provision of services that increase motivation of and
16 engagement with individuals with substance use disorder in settings such as
17 police barracks, shelters, social service organizations, and elsewhere in the
18 community;

19 (4) \$240,000.00 divided equally among the State's four syringe service
20 providers to provide overdose prevention services and response education and

1 resources that build trust between individuals with substance use disorder and
2 Vermont’s system of care;

3 (5) \$840,000.00 to provide contingency management services to
4 individuals with substance use disorder;

5 (6) \$100,000.00 to implement a wound care telehealth consultation pilot
6 program for the purpose of utilizing wound care experts to provide telehealth
7 drop-in appointments to address syringe use by individuals with opioid use
8 disorder;

9 (7) \$200,000.00 to expand the distribution of fentanyl test strips and, if
10 available, xylazine test strips; and

11 (8)(A) \$700,000.00 to the Department of Health’s Division of Substance
12 Use Programs to award one or more grants to an organization or organizations
13 providing or preparing to implement drug-checking services with spectroscopy
14 devices, including high-pressure mass spectrometer (HPMS) or Fourier-
15 transform infrared spectroscopy device (FTIR), in a harm reduction setting;

16 (B) the grants awarded pursuant to this subdivision (8) shall be based
17 on an applicant’s ability to provide publicly available drug-checking services.

18 and by renumbering the remaining section to be numerically correct.

19 Eighth: In the newly renumbered Sec. 15, effective dates, before the period,
20 by inserting and Sec. 8b (rulemaking; prior authorization; buprenorphine) shall
21 take effect on March 15, 2024

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4 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE